

# **MEDICAL REVIEW OF TEXAS**

[IRO #5259]

**3402 Vanshire Drive**

**Austin, Texas 78738**

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## **NOTICE OF INDEPENDENT REVIEW DETERMINATION**

TWCC Case Number:	
MDR Tracking Number:	M2-05-2132-01
Name of Patient:	
Name of URA/Payer:	Charter Oak Fire Insurance Co.
Name of Provider: (ER, Hospital, or Other Facility)	
Name of Physician:	Robert Silva, MD
(Treating or Requesting)	

August 23, 2005

An independent review of the above-referenced case has been completed by a medical physician board certified in orthopedic surgery. The appropriateness of setting and medical necessity of proposed or rendered services is determined by the application of medical screening criteria published by Texas Medical Foundation, or by the application of medical screening criteria and protocols formally established by practicing physicians. All available clinical information, the medical necessity guidelines and the special circumstances of said case was considered in making the determination.

The independent review determination and reasons for the determination, including the clinical basis for the determination, is as follows:

See Attached Physician Determination

Medical Review of Texas (MRT) hereby certifies that the reviewing physician is on Texas Workers' Compensation Commission Approved Doctor List (ADL). Additionally, said physician has certified that no known conflicts of interest exist between him and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for determination prior to referral to MRT.

Sincerely,

Michael S. Lifshen, MD  
Medical Director

cc: Robert J. Henderson, MD  
Robert Silva, MD  
Texas Workers Compensation Commission

#### CLINICAL HISTORY

Records received for review included:

- Medical records from Dallas Spine Care (Robert J. Henderson, MD);
- MRI examination (David Frank, MD);
- Medical records submitted by St. Paul Travelers including Primacare Medical Center, K Clinic, WC Initial Evaluation (Robert Silva, MD), Center for Pain Control (C.M. Schade, MD, PhD), Vista Hospital of Dallas, Review Med Designated Doctor Examination (Gwen Fields, MD); and
- Physician Progress Reports (Robert Silva, MD); History & Physical (Kathy Toler, MD), prescriptions, medical review (George E. Medley, MD).

This 29-year-old man was delivering a 48" TV set on his date of injury. As he helped carry it upstairs he developed pain in the right side of his low back.

The patient was seen at the K Clinic by Robert M. Silva, MD. He was treated with Vicodin, Robaxin and Lodine.

X-rays of the lumbar spine obtained at Metroplex Imaging on 9/14/04 were read by David Frank, MD, the radiologist, as normal. Dr. Frank also read an MRI of the lumbar spine obtained 10/28/04 as showing decreased signal and a 2mm diffuse bulge at L3-4 and a 4mm herniation at L5-S1 encroaching on the thecal sac and the right L5 and S1 nerve roots.

The patient was referred to C.M. Sahade, MD, PhD. He performed lumbar epidural steroid injections on February 1 and March 29, 2005 without relief of symptoms.

The patient has also been seen by Robert J. Henderson, MD who felt the patient's MRI showed an extruded disc at L3-4. He also performed flexion and extension x-rays which he stated showed hyper-mobility at L3-4 but no listhesis. Because of ongoing pain, Dr. Henderson is now requesting discography at L3-4 with a control at L4-5 or L5-S1.

#### REQUESTED SERVICE(S)

Lumbar discography.

#### DECISION

Denied.

#### RATIONALE/BASIS FOR DECISION

Based on MRI findings the L3-4 disc is degenerative; discography is not indicated to confirm this diagnosis. The only reason to perform discography would be to evaluate for concordant pain with injection of the L3-4 disc compared to another disc.

However, E.J. Carragee, MD from Stanford University has publications in *Spine* December 2003 and *Orthopedic Clinics of North America* January 2004. In both publications he questions the validity of concordant pain with discography. In the first article he found that pain response "may be amplified in those subjects with issues of chronic pain, social stressors such as secondary gain or litigation claims or psychometric stress disorders". The second article reiterates this point. It shows asymptomatic people with normal psychometric profiles and known abnormal discs will have pain 40% of the time with injection of these discs. Therefore, simply because the patient has pain associated with discography of an abnormal disc does not mean that that disc is causing symptoms.

In conclusion, in this patient with known disc desiccation at L3-4, there is no indication for lumbar discography.

## YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the decision and has a right to request a hearing.

**If disputing a spinal surgery prospective decision** a request for a hearing must be in writing, and it must be received by the TWCC Chief Clerk of Proceedings within **10** (ten) calendar days of your receipt of this decision (20 Tex. Admin. Code 142.5©).

**If disputing other prospective medical necessity (preauthorization) decisions** a request for a hearing must be in writing, and it must be received by the TWCC Chief Clerk of Proceedings within **20** (twenty) calendar days of your receipt of this decision (28 Tex. Admin. Code 148.3).

This decision is deemed received by you 5 (five) days after it was mailed or the date of fax (28 Tex. Admin. Code 102.4(h) or 102.5(d)). A request for a hearing and a **copy of this decision** must be sent to:

Chief Clerk of Proceedings/Appeals Clerk  
Texas Workers' Compensation Commission  
P.O. Box 17787  
Austin, Texas 78744

Or fax the request to (512) 804-4011. A copy of this decision must be attached to the request.

The party appealing the decision shall deliver a copy of its written request for a hearing to the opposing party involved in the dispute.

In accordance with Commission Rule 102.4(h), I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on this 24<sup>th</sup> day of August 2005.

Signature of IRO Employee: \_\_\_\_\_

Printed Name of IRO Employee: Cindy Mitchell